

REMARKS

Claims 30 and 32 are pending and under consideration. Claims 33-35 are withdrawn. With this Amendment, Claims 31, 33-35 are being cancelled, without prejudice against their reintroduction into this or one or more timely filed continuation, divisional or continuation-in-part applications, and Claims 36-39 are newly added. Thus, after entry of this Amendment, Claims 30, 32, and 36-39 are pending and under consideration. The amendments to the claims and the various rejections raised in the Office Action are discussed in more detail below.

Support for new Claims 36-39 can be found in Claim 33 as originally filed. No new matter is entered by virtue of the amendments.

Rejection under 35 U.S.C. §112, second paragraph

Claim 32 was rejected under 35 U.S.C. §112, second paragraph, for insufficient antecedent basis for the limitation “the amino acid of the human acceptor immunoglobulin framework...” Applicants have amended Claim 32 to correct the antecedent basis. Accordingly, in view of Claim 32 as presently amended, Applicants request withdrawal of this rejection.

Rejection under 35 U.S.C. §103

Claims 30-33 stand rejected under 35 U.S.C. §103 as being obvious over Andris-Widhopf et al (Journal of Immunological Methods, 242:159-181, 2000) in view of U.S. patent number 5,530,101 to inventors Queen et al. The Examiner alleges that Andri-Widhopf et al. teach methods for the generation of chimeric chicken immunoglobulins

and that chickens provide a useful source of clinically relevant antibodies that have human therapeutic potential, but does not specifically teach a method of producing a humanized chicken immunoglobulin. The Examiner cites Queen et al., as curing this defect. Specifically, the Examiner alleges that Queen et al. teach a method of producing humanized immunoglobulins, including the replacement of H67 and L46 in the human immunoglobulin frameworks.

The combination of Andris-Widhopf et al. and Queen et al. fails to teach or suggest all of the limitations recited in amended Claim 30

Applicants have cancelled Claims 31 and 33. Independent Claim 30 has been amended to recite a residue in at least one position selected from the group consisting of H78, H93, L66, and L69 of the human acceptor immunoglobulin framework is replaced with the corresponding amino acid from the donor chicken immunoglobulin. Neither Andris-Widhopf et al., nor Queen et al., teach all of the elements of Claim 30 as presently amended.

Because neither Andris-Widhopf et al. nor Queen et al. teach all of the elements of the claims as presently amended, the references do not render the claims obvious. Therefore, Claim 30 is patentable and non-obvious over the cited references.

Claims 32 and 36-39 depend from independent Claim 30 and therefore include all the limitations of Claim 30. Support for new Claims 36-39 can be found in Claim 33 of the original application filed. Thus, the arguments as presented above with regard to Claim 30 are also applicable to dependent Claims 32 and 36-39.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance and an action to that end is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 510-284-8905.

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Respectfully submitted,

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